IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 230 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DIVISIONAL CONTROLLER - Petitioner(s)

Versus

DASHRATHBHAI N PANDYA - Respondent(s)

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Appearance :

MR YOGESH S LAKHANI for Petitioner No(s).: 1.

MR KN PANDYA for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner Corporation has challenged the order dated 03.10.1997 passed by the Industrial Tribunal,

Ahmedabad in Complaint (IT) No. 82 of 1996, whereby the said complaint was allowed.

2.0 The brief facts of the case are that the respondent was engaged as an Off-day Reliever with the petitioner Corporation. By communication dated 04.07.1996, the respondent was informed that he was transferred from Palanpur to Tharad Depot of the petitioner Corporation.

2.1 Being aggrieved by the said order, the respondent filed a complaint being Complaint (IT) No.82 of 1996 stating that a reference being Reference (IT) No.303 of 1992 was pending before the Tribunal and that if he is transferred to some other place, it would cause irreparable loss to him.

2.2 The Tribunal allowed the application of the respondent and directed the petitioner to give work to the respondent at Palanpur at his original place and also restrained the petitioner from implementing the order of transfer.

2.3 Feeling aggrieved by the aforesaid order, the petitioner Corporation filed a petition being Special

Civil Application No.7631 of 1996 before this Court. This Court vide order dated 14.06.1997 disposed of the said petition by directing that the order dated 13.08.1996 shall cease to operate from the date the respondent joined at the Tharad Depot and also directed to make payment for the interregnum period to the respondent.

2.4 Against the said order, L.P.A was preferred by the petitioner being L.P.A. No.895 of 1997 to challenge the direction issued by the learned Single Judge as regards the payment for the interregnum period which is still pending. According to the direction issued by the learned Single Judge, the Tribunal disposed of the main Complaint in question by quashing and setting aside the order of transfer.

2.5 Being aggrieved by the order passed in Complaint (IT) No.82 of 1996 in Reference (IT) No.323 of 1994 the petitioner has preferred this petition before this Court.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. While admitting the matter on 09.11.1998 this Court had stayed the operation of the impugned order dated 03.10.1997 till the

final disposal of this petition. Hence, it would be appropriate if the interim relief granted by this Court as aforesaid is continued till the final disposal of the Complaint in question, if it is not disposed of so far.

4.0 In above view of the matter, the Industrial Tribunal, Ahmedabad is directed to dispose of the Complaint in question, as expeditiously as possible and preferably within a period of six months from the receipt of writ of this order, if it is not disposed of so far. It is clarified that the interim relief granted by this Court shall continue till the final disposal of the Complaint in question. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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